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Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH ANDREW HYLKEMA,

Plaintiff,

vs.

GC SERVICES LIMITED PARTNERSHIP of
Delaware, TOM DANCE AND JANE DOE
DANCE; BELINDA DOE AND JOHN DOE;
MIKE DOE; TANISHA DOE; DEVONNA
DOE; KATIE FREEBERG; ANDRE DOE;
SHARON DOE; KIRK BROWN; SARAH
DOE; AND JANE DOE ALTMAN;
individually and the marital communities
thereof,

Defendants.

Case No.: C09-1325-RSM

ANSWER AND AFFIRMATIVE DEFENSES
OF DEFENDANT GC

COMES NOW Defendant GC Services Limited Partnership (GC), without waiving any
objections, rights, and defenses relating to jurisdiction and process, hereby answers Plaintiff's
complaint and demand for jury trial as follows:

I. ANSWER

1.1. GC admits this is an action under the Fair Debt Collection Practices Act, 15 USC §

ANSWER, AND AFFIRMATIVE DEFENSES OF
DEFENDANT GC - 1
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1 1692 et seq. (FDCPA), Washington Collection Agency Act, RCW 19.16 et seq. (WCAA),
 2 Washington Consumer Protection Act, RCW 19.86 et seq. (WCPA), and denies liability under any
 3 of those theories, and, denies the remaining allegations contained in Paragraph 1.1 of Plaintiff's
 4 Complaint.

5 1.2. GC admits this court has jurisdiction of cases under the Fair Debt Collection
 6 Practices Act, 15 USC § 1692 et seq. (FDCPA), and venue is proper in this Court as to GC only,
 7 and denies the remaining allegations contained in Paragraph 2.1 of Plaintiff's Complaint.

8 1.3. GC admit plaintiff is an adult, and denies the remaining allegations contained in
 9 Paragraph 3.1 of Plaintiff's Complaint.

10 1.4. GC admits GC is a Delaware limited partnership, and denies the remaining
 11 allegations contained in Paragraph 3.2 of Plaintiff's Complaint.

12 1.5. GC admits GC is authorized to do business in the State of Washington, and denies
 13 the remaining allegations contained in Paragraph 3.3 of Plaintiff's Complaint.

14 1.6. GC denies the allegations contained in Paragraph 3.4 of Plaintiff's Complaint.

15 1.7. GC admits it regularly attempts to collect debts asserted to be owed or due another
 16 using the telephone, mails, and other instrumentalities of interstate commerce and attempted to
 17 collect an obligation owed by Plaintiff to the US Department of Education (the "obligation") and
 18 denies the remaining allegations contained in Paragraph 3.5 of Plaintiff's Complaint.

19 1.8. GC lacks sufficient information to admit or deny the allegations contained in
 20 Paragraph 3.6 of Plaintiff's Complaint, and, therefore, denies the remaining allegations contained in
 21 Paragraph 3.6 of Plaintiff's Complaint.

22 1.9. GC lacks sufficient information to admit or deny the allegations contained in
 23 Paragraph 3.7 of Plaintiff's Complaint, and, therefore, denies the remaining allegations contained in
 24 Paragraph 3.7 of Plaintiff's Complaint.

25 1.10. GC lacks sufficient information to admit or deny the allegations contained in
 26 Paragraph 3.8 of Plaintiff's Complaint, and, therefore, denies the remaining allegations contained in

Paragraph 3.8 of Plaintiff's Complaint.

1.11. GC lacks sufficient information to admit or deny the allegations contained in Paragraph 3.9 of Plaintiff's Complaint, and, therefore, denies the remaining allegations contained in Paragraph 3.9 of Plaintiff's Complaint.

1.12. GC lacks sufficient information to admit or deny the allegations contained in Paragraph 3.10 of Plaintiff's Complaint, and, therefore, denies the remaining allegations contained in Paragraph 3.10 of Plaintiff's Complaint.

1.13. GC denies the allegations contained in Paragraph 4.1 of Plaintiff's Complaint.

1.14. GC denies the allegations contained in Paragraph 4.2 of Plaintiff's Complaint.

1.15. GC denies the allegations contained in Paragraph 4.3 of Plaintiff's Complaint.

1.16. GC denies the allegations contained in Paragraph 4.4 of Plaintiff's Complaint.

1.17. GC denies the allegations contained in Paragraph 4.5 of Plaintiff's Complaint.

1.18. GC denies the allegations contained in Paragraph 4.6 of Plaintiff's Complaint.

1.19. GC denies the allegations contained in Paragraph 4.7 of Plaintiff's Complaint.

1.20. GC denies the allegations contained in Paragraph 4.7.1 of Plaintiff's Complaint.

1.21. GC denies the allegations contained in Paragraph 4.7.2 of Plaintiff's Complaint.

1.22. GC denies the allegations contained in Paragraph 4.7.3 of Plaintiff's Complaint.

1.23. GC denies the allegations contained in Paragraph 4.7.4 of Plaintiff's Complaint.

1.24. GC denies the allegations contained in Paragraph 4.7.5 of Plaintiff's Complaint.

1.25. GC denies the allegations contained in Paragraph 4.7.6 of Plaintiff's Complaint.

1.26. GC denies the allegations contained in Paragraph 4.7.7 of Plaintiff's Complaint.

1.27. GC denies the allegations contained in Paragraph 4.7.8 of Plaintiff's Complaint.

1.28. GC denies the allegations contained in Paragraph 4.7.9 of Plaintiff's Complaint.

1.29. GC denies the allegations contained in Paragraph 4.7.10 of Plaintiff's Complaint.

1.30. GC denies the allegations contained in Paragraph 4.7.11 of Plaintiff's Complaint.

1.31. GC denies the allegations contained in Paragraph 4.7.12 of Plaintiff's Complaint.

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1 1.32. GC denies the allegations contained in Paragraph 4.7.13 of Plaintiff's Complaint.

2 1.33. GC denies the allegations contained in Paragraph 4.7.14 of Plaintiff's Complaint.

3 1.34. GC denies the allegations contained in Paragraph 4.7.15 of Plaintiff's Complaint.

4 1.35. GC denies the allegations contained in Paragraph 4.8 of Plaintiff's Complaint.

5 1.36. GC denies the allegations contained in Paragraph 4.9 of Plaintiff's Complaint.

6 1.37. GC lacks sufficient information to admit or deny the allegations contained in
7 Paragraph 4.10 of Plaintiff's Complaint, and, therefore, denies the remaining allegations contained
8 in Paragraph 4.10 of Plaintiff's Complaint.

9 1.38. GC denies the allegations contained in Paragraph 4.11 of Plaintiff's Complaint.

10 1.39. GC denies the allegations contained in Paragraph 4.12 of Plaintiff's Complaint.

11 1.40. GC denies the allegations contained in Paragraph 5.1 of Plaintiff's Complaint.

12 1.41. GC denies the allegations contained in Paragraph 5.1.1 of Plaintiff's Complaint.

13 1.42. GC denies the allegations contained in Paragraph 5.1.2 of Plaintiff's Complaint.

14 1.43. GC denies the allegations contained in Paragraph 5.1.3 of Plaintiff's Complaint.

15 1.44. GC denies the allegations contained in Paragraph 5.2 of Plaintiff's Complaint.

16 1.45. GC denies the allegations contained in Paragraph 5.3 of Plaintiff's Complaint.

17 1.46. GC denies the allegations contained in Paragraph 5.4 of Plaintiff's Complaint.

18 1.47. GC denies the allegations contained in Paragraph 5.5 of Plaintiff's Complaint.

19 1.48. GC denies the allegations contained in Paragraph 5.6 of Plaintiff's Complaint.

20 1.49. GC denies the allegations contained in Paragraph 6.1 of Plaintiff's Complaint.

21 1.50. GC denies the allegations contained in Paragraph 6.2 of Plaintiff's Complaint.

22 1.51. GC denies the allegations contained in Paragraph 6.3 of Plaintiff's Complaint.

23 1.52. GC denies the allegations contained in Paragraph 7.1 of Plaintiff's Complaint.

24 1.53. GC denies the allegations contained in Paragraph 8.1 of Plaintiff's Complaint.

25 1.54. Except as so admitted, GC denies each and every allegation in Plaintiff's Complaint.

26 II. AFFIRMATIVE DEFENSES

ANSWER, AND AFFIRMATIVE DEFENSES OF
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Having answered Plaintiff's complaint, GC alleges the following affirmative defenses.

2.1. **Failure to State Claims.**

2.2. **Lack of Personal Jurisdiction over the Individual Defendants.**

2.3. **Lack of Subject Matter Jurisdiction.**

2.4. **Limitation of Action.**

2.5. **Preclusion by Federal Law.**

2.6. **Bona Fide Error.** Without admitting any violation, if any violation of the Fair Debt Collection Practices Act occurred, it was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

III. PRAYER

Wherefore having fully answered Plaintiff's complaint, and having interposed affirmative defenses, the GC pray for the following relief:

4.1. Dismissal of the Action with prejudice, and with costs to GC.

4.2. For such other and further relief as may be provided by law.

Dated this 1st day of October, 2009.

DAVENPORT & HASSON, LLP

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